

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELECTRICAL WORKERS PENSION
TRUST FUND OF LOCAL
UNION #58, IBEW, et al.

CIVIL ACTION NO. 04-70517

Plaintiffs,

ARTHUR J. TARNOW
U.S. DISTRICT JUDGE

v.

HENDRICKS ELECTRIC, INC.

Defendant.

ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [D/E 12]

Plaintiffs filed the instant lawsuit to confirm and enforce an award entered by the Joint Labor-Management Committee, which was established pursuant to a collective bargaining agreement in force between Plaintiffs and Defendants. The Committee found Defendant guilty of violating the collective bargaining agreement. However, Defendant has failed to comply with the Committee's award. Specifically, Defendant has failed to post a surety bond to cover its indebtedness to Plaintiffs, has failed to remit delinquent fringe benefit contributions to Plaintiffs as required under the collective bargaining agreement, and has failed to submit its books and records for inspection and audit. Defendant's failure to comply with the Committee's award necessitated this lawsuit. None of the material facts are in dispute.

Before the court is Plaintiffs' motion for summary judgment [DE 12], which was filed on October 4, 2005. Defendant has not filed a response to Plaintiffs' motion. Having reviewed the pleadings, the Court finds that Plaintiffs have carried their burden of demonstrating that there is no genuine dispute as to the material facts, and that summary judgment is proper. Therefore,

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IT IS HEREBY ORDERED that Plaintiff's motion for summary judgment [DE 12] is GRANTED.

IT IS FURTHER ORDERED that the award of the Joint Labor-Management Committee, entered on February 21, 2003, is CONFIRMED;

IT IS FURTHER ORDERED that Defendant shall forthwith comply with the award of the Joint Labor-Management Committee by securing a Surety Bond in an amount as set forth in the Schedule provided in Article VIII, Section 6(A) of the collective bargaining agreement, and shall thereafter remain in compliance with Article VIII, Section 6(b) of that agreement;

IT IS FURTHER ORDERED that Defendant shall specifically perform according to the fringe benefit provisions of the collective bargaining agreements between Plaintiffs and Defendant;

IT IS FURTHER ORDERED that Defendant shall pay the amount of \$38,833.75 to the Plaintiff Funds, representing the contributions and liquidated damages owed by Defendant to Plaintiffs through the work week ending July 31, 2004;

IT IS FURTHER ORDERED that Defendant shall make available to an auditor appointed by Plaintiffs its books, records and accounts, showing work performed by employees, hours worked by employees and any sums paid to Plaintiffs and to employees covered by the collective bargaining agreements for the period from August 7, 2004 to the date of the audit, and that Defendant shall pay for the cost of the audit;

IT IS FURTHER ORDERED that Plaintiffs shall be awarded all additional amounts, if any, such audit reveals as owed by Defendant to Plaintiffs including delinquent contributions and liquidated damages;

IT IS FURTHER ORDERED that Defendant shall pay Plaintiffs all costs, interest, and attorneys' fees incurred in bringing and prosecuting this case, and that Plaintiffs shall be

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responsible for submitting future papers to the Court for the purpose of determining the amount of such award.

SO ORDERED.

s/Arthur J. Tarnow
United States District Judge

Proof of Service

The undersigned certifies that a copy of the foregoing Order was served on the attorneys of record herein by electronic means or U.S. Mail on December 30, 2005.

s/Kim Grimes
Deputy Clerk